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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,015	03/24/2004	Dan Scott Johnson	200207102-1	5688

22879 7590 12/12/2008
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

GRAHAM, PAUL J

ART UNIT	PAPER NUMBER
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2426

NOTIFICATION DATE	DELIVERY MODE
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12/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/808,015	Applicant(s) JOHNSON, DAN SCOTT	
	Examiner PAUL GRAHAM	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11-19, 23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11-19, 23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/08 has been entered.

Response to Arguments

2. Applicant argues:

Chris Williams reference does not suggest listing of program data based on type of presentation data.

Based on the amended claim language, the argument is moot in view of new ground of rejection. In fact, Williams, Accarie and Salmonsens do suggest listing of data based on presentation type. Williams does suggest a listing of program data based on the type of presentation data (see Williams, fig. 15, the channel table is a listing of data based on type of presentation). Accarie does suggest a listing of program data based on type of presentation data (see Accarie, [406-408], fig. 10, menu of program data based on presentation type (or terminal)).

The Applicant's arguments have been fully considered, but are not fully persuasive.

Claims 1-7, 11-17, 12, 25-27 stand rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 13, 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211 B1) and Accarie et al. (US 2003/0048757 A1) in view of Salmonsens (US 2004/0049797 A1).

As to claim 1, Williams discloses an audio/video (A/V) component networking system, comprising (see Williams, fig. 4):

a plurality of source components, each source component adapted to provide A/V program data (see Williams, fig. 3, col. 5, ll. 34-39, mass storage within server, receiving from remote systems within another network, see col. 6, ll. 7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ll. 60-64), fig. 4 and 5 shows a stereo, television, cable box as plurality of sources);

and a sink component communicatively coupled to a presentation device (see Williams, fig. 4, STB is a sink between the storage of server and presentation device, such as a TV),

the sink component adapted to receive A/V program data from at least one of the plurality of source components and transmit the A/V program data to the presentation device (see Williams, col. 6, ll. 43-49, see Williams, col. 6, ll. 43-53, IR link for remote control of cable box used for STB), and wherein the sink component is configured to present to a user a filtered aggregated listing of the A/V program data available from each of the plurality of source components based on a type of the presentation (see Williams, col. 6, ll. 43-54, if cable box is set correctly (controlled by STB) cable converter box output streams to TV via STB control, Williams Jr. suggest this with control of the A/V display and display on a presentation device (see Williams Jr. col. 6, ll. 43-54, see Williams, col. 6, ll. 43-53, IR link for remote control of cable box used for STB). Accarie teaches it (see Accarie, [447]), all commands (a menu interface) are extracted and displayed on a screen so as consultable by the user when a user selects a terminal of the

network (see Accarie, [441] and fig. 7, (In fact, “ selecting the appropriate mode” (see Williams Jr., col. 6, ll. 43-54) shows enablement to control a menu interface. The channel setting (an inherent menu manipulation) is controlled by the STB, which shows enablement of a user to control a menu interface. Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453]).

The references of Williams and Accarie are unclear on a listing of program data based on type of the presentation device; however, Salmonsens, who discloses network interfacing, does teach this (see Salmonsens, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), and [0105], a media renderer (sink) controls the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages));

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Salmonsens so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsens, [0054]).

As to claim 13, Williams discloses an audio/video networking method, comprising (see Williams, fig. 4 and col. 3, ll. 20-60): remotely accessing, via a sink component, a centralized storage system having a plurality of source components, each source component adapted to provide A/V program data (see Williams, fig. 3, col. 5, ll. 34-39, mass storage within server, receiving from remote systems within another network, see col. 6, ll. 7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ll. 60-64));

transmitting, via the sink component, A/V program data from at least one of the source components to a presentation device (see Williams, col. 6, ll. 43-49); and

Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453], see Williams, col. 6, ll. 43-54, if cable box is set correctly (controlled by STB) cable converter box output streams to TV

via STB control, see Williams, col. 6, ll. 43-53, IR link for remote control of cable box used for STB).

The references of Williams and Accarie is unclear on a listing of program data based on type of the presentation device; however, Salmonsens, who discloses network interfacing, does teach this (see Salmonsens, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), [0105], a media renderer (sink) controls the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Salmonsens so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsens, [0054]).

As to claim 23, Williams discloses an audio/video (A/V) component networking system, comprising (see Williams, fig. 4 and col. 3, ll. 20-60):
means for remotely accessing, via a sink component, a plurality of source components, each source component adapted to provide A/V program data (see Williams, fig. 3, col. 5, ll. 34-39, mass storage within server, receiving from remote systems within another network, see col. 6, ll. 7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ll. 60-64), see wire means between server (storage) and STB (sink) in fig. 4);

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means, via the sink component, for transmitting A/V program data from at least one of the source components to a presentation device (see Williams, col. 6, ll. 43-49, see coaxial out (means) to TV in fig. 4); and

Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453]).

The references of Williams and Accarie is unclear on a listing of program data based on type of the presentation device; however, Salmonsens, who discloses network interfacing, does teach this (see Salmonsens, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), [0105], a media renderer (sink) controls the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the

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system of Salmonsens so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsens, [0054]).

As to claim 4, Williams, Accarie and Salmonsens (as combined in claim 1) disclose the system of claim 1, wherein at least one of the source components is selected from the group consisting of a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source component, a computer, and a cable source component (see Williams, fig. 5 and col. 5, ll. 35-45, cable source component).

As to claim 19, Williams, Accarie and Salmonsens (as combined in claim 1) disclose the method of claim 13, wherein accessing the centralized storage system comprises accessing at least one of a group consisting of a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source component (28), a computer, and a cable source component residing on the centralized storage system (see Williams, fig. 5, cable source stored via storage system).

5. Claims 2, 3, 5, 6, 7, 11, 12, 14-18, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211 B1) and Accarie et al. (US 2003/0048757 A1) in view of Salmonsens (US2004/0049797 A1) in view of Hunter et al. (US 2002/0056118 A1).

As to claim 2, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to decode the A/V program data; however, Hunter, who discloses an audio-video distribution system, does teach this (see Hunter, [0065] decoder is part of user station, a STB [0037]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system

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of Hunter adding intelligence to the STB or user station and allowing for a simpler network fabric (see Hunter, [0065]).

As to claim 3, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to transmit the A/V program data to the presentation device in real-time (see Hunter, [0162] proprietary real-time decoding may occur for playback rather than storage on content received by the STB (sink)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Hunter so that a user may review his selected A/V program without delay after the selection process, making for a more responsive entertainment system (see Hunter, [0162]).

As to claim 5, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to perform a registration operation to register at least one of the plurality of source components with the sink component; however, Hunter does teach this (see Hunter, [0154] the stored media (one of a number of source components) is registered for presentation, for billing purposes by the STB [0149-150]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Hunter allowing the recognition of the storage system so that said system may be replaced with a

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different system and the storage capacity of the network would be unaffected (see Hunter, [0154]).

As to claim 6, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to perform a registration operation to register at least one available type of communication network for communicating with at least one of the plurality of source components; however, Hunter does teach this (see Hunter, [0156] the sink as part of the digital network will register the communication network or define and accept as the network to access storage to a central controller, which will store user information, which communicates with a source component for data storage and or retrieval).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter allowing the entertainment system to recognize and successfully use different communication networks so that the system can be implemented in various settings, adding to its marketability.

As to claim 7, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to perform a registration operation to register a format of the A/V program data available from each of the plurality of source components; however, Hunter does teach this (see Hunter, [0163-0165], the sink registers the format of a CD or another type of storage media for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order for program format to be variable from the content sources, making for a more robust entertainment system (see Hunter, [0164]).

As to claim 11, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component; however, Hunter does teach this (see Hunter, [0142] through communication with the on-screen GUI (of the presentation device) the user station, sink, realizes information about the user preferences for display on the presentation device, hence registers the device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to allow the system to correctly recognize the device data is sent to for display therefore no delay in user interaction with the data occurs (see Hunter, [0142]).

As to claim 12, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1,

The references of Williams, Accarie and Salmonsens are unclear on wherein at least two of the plurality of source components comprise the same type of source component; however, Hunter does teach this (see Hunter, [0160] multiple CD or DVD players may be included in the network, including the one at the set-top box).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to allow the user to enjoy a variety of source content from a similar medium, say a compact disk (see Hunter, [0160]).

As to claim 15, Williams, Accarie and Salmonsens (as combined) disclose the method of claim 13,

The references of Williams, Accarie and Salmonsens are unclear on further comprising performing a registration operation to register each of the plurality of source components with the sink component; however, Hunter does teach this (see Hunter, [0163-0165], the sink registers the CD or another type of media player for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to recognize multiple sources of programming data allowing the end user variety in his entertainment choice (see Hunter, [0164]).

As to claim 27, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 23, the references of Williams, Accarie and Salmonsens are unclear on further comprising means for registering each of the plurality of source components, Hunter does teach this (see Hunter, [0163-0165], the sink registers the CD or another type of media player for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to recognize multiple sources of programming data allowing the end user variety in his entertainment choice (see Hunter, [0164]).

As to claims 14 and 26, they are analyzed similar to claim 5.

As to claims 17 and 25, they are analyzed similar to claim 2.

As to claims 16 and 18, they are analyzed similar to claims 7 and 6, respectively.

Conclusion

6. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg
11/28/2008

/Annan Q Shang/

Primary Examiner, Art Unit 2424